



Initial implementation Plan

South Carolina Department of Juvenile Justice, Broad River Road Complex

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Introduction

The South Carolina Department of Juvenile Justice (DJJ) is at a pivotal point in its history. New leadership, a new vision, and an optimistic and determined view of how we can serve the youth under our care are guiding sweeping changes that will positively impact kids, their families, our staff, and the state of South Carolina. The Broad River Road Complex (BRRC), DJJ's secure treatment center, is at the center of this by its inclusion in a voluntary and necessary settlement agreement with the United States Department of Justice (DOJ). The agreement includes important changes in policies and training around investigations, uses of force, classification, isolation, and responses to youth-on-youth fights, among others. But, more importantly, it necessitates that DJJ moves toward vital changes in the culture at BRRC, including how our staff interacts with youth and each other and what the core expectations are around respect, professionalism, and youth rehabilitation.

To this end, BRRC will need and is receiving resources, staffing, and support to ensure it achieves its goals of treating some of the state's most challenging youth. BRRC is fortunate to have many experienced and devoted staff to work on this project who serve our kids with dedication every day. This implementation plan includes not only what will be addressed and how to meet the terms of the settlement agreement; it includes information on BRRC's needs and what DJJ is working on to address those needs. DJJ wants to ensure all parties are aware of the necessary activities and projects that will have to be completed to ensure our youth receive the best care and the best chance at success.

BRRC is in a unique situation. Due to years of mismanagement, a lack of focus, and varying missions that were not always supported by contemporary juvenile justice practices, the new Executive Director (who was assigned to DJJ in September 2021 but not confirmed until May 2022) had a tremendous amount of work to do. Her task was to "right the ship," add and change staff, review policies, change and enforce processes, address safety practices, and create a functioning agency. This work was necessary and continues today.

Some of the changes made to address the needs of the agency and the youth we serve are:

- Replacement of leadership positions, including the Inspector General's (IG) office, the Chief of Investigations, heads of Procurement, Budget, Finance, Public Information, and Mental Health leadership, the addition of Associate Deputies, the addition of a new Deputy Director of Security and Operations, the hiring of a new Deputy Director of Programs and Services and Deputy Director of Administrative Services, Director of Human Resources (HR), the hiring of a Settlement Compliance Director, Chief of Staff, and other crucial leadership positions.
- Reorganization of the entire agency structure to refocus on the basics, enhance agency operations and provide stability. The agency's new alignment includes having programs and services administered primarily under five (5) functional areas: Community Services, Community Treatment Services, Education & Workforce Development, Programs and Services and Security Operations. There was a retitling of Institutional Services to Security and Operations to demonstrate a focus on safety. The newly developed Division of Programs and Services will develop and implement enriching programs and services for youth who are committed to SCDJJ's long-term, evaluation and detention facilities. The

current administration also put into effect the Chief of Staff position, responsible for the oversight of the agency's day-to-day operations, assist with problem-solving, and strategic planning. This essential position had not existed for many years at SCDJJ. All divisions have clear and distinct roles and responsibilities of helping the agency accomplish its mission and statutory mandates.

- Revisions of policy and procedures for video review, isolation use, suicidal youth, admission and orientation, Prison Rape Elimination Act (PREA) risk screening, creation of a protective custody (PC) policy, improving food quality and quantity, increasing recreation, and moving from a half to a full day school as of August 15, 2022.
- Revisions and updates around the use of force include changing de-escalation and restraint training from Handle with Care to Safe Crisis Management, review of behavior management methods, and hiring a recruiting firm to address low staffing numbers.
- Tightening up front gate procedures, searches, oversight, cell phone use and possession, contraband prevention, instituting the "inspect what you expect"¹ philosophy for facility supervisors, reviewing staff uniforms, youth uniforms, treatment team meeting processes, maintenance and security issues around windows, security locks and doors, and graffiti removal.
- Implementing a review of the youth grievance process, youth handbook, review of staff activities, and a need for further logbook training.
- Other initiatives around visits to juvenile facilities that do not use isolation and the planned addition of formerly incarcerated mentors for youth who have shared life experiences.

All of this and more are required to meet the needs of youth and ensure a solid foundation at BRRC. Meeting the terms of the settlement agreement is a priority for DJJ, and DJJ recognizes the goals within it cannot happen without increasing staff numbers and this important foundational work. This structure has to be put in place, and attempts continue to be made, to get people and processes quickly up to speed to ameliorate many years of mismanagement.

Mission, Vision, and Values

To support both the spirit and intent of the agreement and to reflect the renewed commitment to a rehabilitative mission, DJJ has revised our agency motto to "Inspiring Change, Transforming Lives." We have also revised our mission and vision statements and created values statements that reinforce who we are as an agency and our responsibility and promise to the youth we serve.

New Agency Mission

To impact and transform young lives, strengthen families, and support safer communities through targeted prevention and rehabilitation.

¹ "Inspect what you Expect" is a common term in juvenile and adult correctional settings. It means you make a regular habit of checking on what you have expected of staff. It is an active management, supervision and quality assurance philosophy.

New Agency Vision

Youth discover their strengths and abilities and become productive and successful citizens contributing to a safer South Carolina.

Agency Values (What We Believe)

Respect: There is always 'respect' built into every interaction with youth, their families, the public, and employees.

Loyalty: We are all DJJ: Loyalty is our commitment to the youth and the agency at which we work.

Integrity: We are honest and transparent in our work and accountable for what we do and say.

Diversity: Each employee brings a viewpoint and can make a difference; working together, we can all make a change.

Compassion: Belief in our youth means showing them care and genuine concern every day.

In support of the agency's newly updated mission, vision, and values statements, as well as the agreement's terms, we submit this implementation plan that lays out our goals to support our mission, our youth, our obligations, and the commitment of the agency to all. In doing so, we have recognized these five important points:

1. Dedicated staff who care about our youth and who perform their work compassionately and professionally to support youth in their rehabilitation are the cornerstone of DJJ's approach to improvement at BRRRC. Our staff are our greatest resource. They deserve respect, high-quality training, communication, coaching, and the tools to do their jobs. Without our staff, we cannot meet our goals.
2. The youth in our care have extensive needs and challenges that require certain resources to provide for their safety and ensure their best chance at successful reentry into society. State resources are taxpayer dollars and must be spent prudently and allocated where necessary for youth treatment. We do not create our youths' challenges, but we can be a part of shaping their future success and progress.
3. The settlement agreement has been agreed to, and DJJ is dedicated to full compliance with all of its terms in furtherance of youth safety, care, and treatment.
4. A youth's education, physical health, and mental health must be elevated as the three chief pillars at BRRRC to support youth well-being and resources provided to ensure our youths' needs are met.
5. A planned and deliberate roadmap to improve BRRRC allows for transparency, certainty, and gives staff and youth confidence in the agency's commitment to all who live in, work in, and have contact with BRRRC.

One Year Plan

DJJ's initial implementation plan to support the agreement's terms and reflect our agency's mission, vision, and values, follows. Our goal is to build a respectful and safe foundation at the facility for youth and for BRRRC to be an example of exemplary youth care, safety, security, and rehabilitation. DJJ includes specific schedules and deadlines for the upcoming year through April 13, 2023, and a

general schedule for successive years.² Any information in the blue boxes reflects the provisions in our settlement agreement along with the corresponding provision number.

28. DJJ shall, at all times, provide youth at BRRRC with safe living conditions by: ensuring that there is sufficient staffing to implement the provisions of this agreement; using surveillance tools to prevent violence and promote accountability; providing structured programming designed to engage youth in rehabilitative activities; implementing positive behavior supports to encourage appropriate behavior; instituting clear, consistent, appropriate consequences for negative behaviors; and limiting uses of force and restraints to incidents where the youth poses a serious and immediate danger and after other efforts to de-escalate the youth's behavior have failed.

The overall “Protection From Harm” provision includes a variety of areas around policy, training, staffing, surveillance tools, behavior management, programming, use of force and investigations.

Policy

In various categories, all noted throughout the report, policies must be revised, reviewed and approved in order to ensure they meet agreement expectations. DJJ has begun the process of policy edits and revisions.

DJJ's policy and project management team, as well as our operations leadership and other internal staff, will work collaboratively with the SME to review and revise policies and attachments noted within the agreement, as well as some related to agreement terms.

Training

95. Within twelve months of the effective date, the Subject Matter Expert will review DJJ's current training curriculum and assist DJJ to develop a training curriculum that complies with the requirements of paragraphs 96–100 (in the settlement agreement)

A variety of training materials and curricula were requested via email from DJJ's Training Division on March 28, 2022. Staff receive many different trainings at pre-service and in-service certification training, such as Safe Crisis Management, suicide response, first aid, logbook and event report writing, searches, child abuse reporting, and the like. DJJ's training division, our operations leadership, and other internal staff will work collaboratively with the SME to revise and improve training as needed.

Though not specifically required by the agreement, DJJ saw a need for training for its staff to connect staff communication and professional relationships and a healthy facility culture. This two-hour mandatory professional boundaries training can be easily conducted at staff meetings and basic training. It was developed, and a training-of-trainers was conducted on June 8, 2022. The PowerPoints, and lesson plan will be available to the SME and DOJ.

² The effective date of the agreement for reference is April 13, 2022.

DJJ moved away from the Handle with Care curriculum to Safe Crisis Management (SCM) as the de-escalation and restraint training for BRRC staff, based on the recommendation from consultants at the Center for Children's Law and Policy (CCLP). SCM goes beyond restraint training and includes conflict management, crisis intervention, appropriate communication with youth, and verbal and other de-escalation strategies. This training portion will be mandatory for all security staff and teachers. The restraint portion will be mandatory for security staff.

For context, SCM is a comprehensive training program by JKM Training, Inc. that focuses on preventing and managing crisis events and improving safety in agencies and schools. SCM has a trauma-sensitive approach emphasizing building positive relationships with individuals. The program is designed to assist staff with responding to the needs of all individuals, particularly for the needs of the most challenging. The SCM curriculum has several components that focus on de-escalation interventions. These include non-verbal interventions, verbal interventions, and intervention judgments. SCM uses the least restrictive alternative methodology throughout its curriculum with a continuum of interventions. Emergency Safety Interventions, which are the physical aspects of the training, do not use pain compliance, joint locks, or body weight. The physical principles teach correct body positioning, self-protection techniques, and how to manage incidents safely.

A current obstacle, as noted by the training division, is the availability of security staff to attend training due to short staffing, which is an issue statewide. Our new Security and Operations leadership fully support and commit to staff training. The Deputy Director of Security and Operations participated in a joint call with the training director and is aware of the obstacles and working on them.

All BRRC teachers attended the non-physical portion of the SCM training, to include verbal de-escalation and crisis management, on August 10-11, 2022.

97. If an investigation or review of an incident reveals that staff did not use appropriate de-escalation, the staff member will be retrained within 90 days. If an investigation or review of an incident reveals that a staff member who has been retrained continues to fail to use appropriate de-escalation, DJJ will address the staff member's failure through progressive discipline.

99. If an investigation or review of an incident reveals that staff used inappropriate or excessive force, the staff member will be retrained within 90 days and will be prohibited from using force until demonstrating proficiency in the proper technique(s). The retraining and competency demonstration must be documented prior to such staff using force again.

These requirements have been added to the draft Use of Force policy. It was discussed with Security and Operations leadership in July 2022 as their responsibility in collaboration with Training and HR.

98. Use of Physical Force: Within 18 months of the effective date, and annually thereafter, all security staff will receive training on the updated Use of Physical Force policy, including training in conflict resolution, management of assaultive behavior, and approved uses of force that minimize the risk of injury to youth

and staff. All training shall include each staff member's demonstration of the approved techniques and require that staff meet the minimum standards for competency established by the method.

Training began with staff on SCM in April 2022. DJJ anticipates all BRRRC staff will be trained in SCM by December 2022. The new Use of Physical Force policy, once finalized, will be made a part of SCM training.

Staffing

29. DJJ will hire a consultant to conduct a staffing study within nine months of the effective date. The staffing study will determine the appropriate staffing levels and patterns to implement the terms of this agreement, including adequately supervising youth in the male living units.

30. The DJJ and the DOJ will jointly select the consultant who conducts the staffing study.

31. The staffing study will consider factors including:

i. The classification and risk profiles of youth at BRRRC;

ii. The physical configuration and function of spaces;

iii. When and where incidents reported in BRRRC's incident management system most frequently occur at BRRRC; and

iv. The routine availability of staff, including supervising officers, and DJJ public safety officers to respond to incidents.

DJJ hired CCLP on February 26, 2021, in a joint decision between DJJ and DOJ. CCLP subcontracted with the Council of Juvenile Justice Administrators (CJJA) to complete a staffing analysis of BRRRC to determine appropriate staffing patterns and levels of BRRRC security staff. In addition, DJJ provided DOJ and the SME additional information that addresses the classification and risk profiles of youth at BRRRC, the physical configuration and function of spaces, when and where incidents reported in BRRRC's incident management system most frequently occur at BRRRC, and the routine availability of staff, including supervising officers, and DJJ public safety officers to respond to incidents. The complete staffing study was submitted August 31, 2022. Because part of the analysis was not independent and because the study addressed an 8-hour shift, DOJ requested that CJJA revise the study. DJJ requested instead the use of a different consultant, who has now been jointly selected and will finalize work in December 2022. DJJ will provide all needed access and assistance.

32. Within 18 months of receiving the staffing study, DJJ will make reasonable efforts to implement changes to existing staffing to conform to the staffing patterns recommended by the staffing study.

As the SME and DOJ are aware, staffing challenges are a national problem. Accordingly, DJJ has initiated a cascade of strategies to address the recruitment and retention of Juvenile Correctional

Officers (JCOs) and make the salaries and the overall employee value proposition a meaningful and compelling reason to work at DJJ, specifically at BRRC. To this end, DJJ has:

Raised salaries: Previously, a starting JCO's salary was \$31,028 per year. Effective July 2, 2021, starting salaries were raised from \$31,028 for JCOs to \$35,000. After six months of continuous employment, the agency increased the JCOs' salary by \$1,400 per year to \$36,400. After 18 months, that salary increased again by \$1,820 to \$38,220. These salaries were recently reviewed and again increased. Effective June 2, 2022, the starting salary increased from \$35,000 to \$39,140. As we continue to follow the established timeframes for longevity increases, the agency will increase the starting salary to \$40,118 after six months of service and then to \$41,097 after 18 months. In addition to this salary increase, all JCOs assigned to BRRC or the Juvenile Detention Center will earn an additional special assignment pay in the amount of \$3,000 as these facilities have been identified as our Level II facilities. This new pay structure allows these JCOs to earn a total salary of \$44,097 after 18 months of employment.

Initiated more recent increases: A state law enforcement increase that includes JCOs went into effect on June 1, 2022. As a result of this increase, the base starting salary increased from \$35,000 to \$38,000 with a \$3,000 location incentive for BRRC and JDC. Now, a typical JCO working for eighteen months at our BRRC location will have a salary of \$44,097 per year. This new amount will include a three percent increase provided to all state employees, as explained below.

Added incentive pay: BRRC and JDC facility staff will now be paid incentive pay for working at these facilities. Staff will start at \$3,000 per year more than other state facility staff, effective June 1, 2022.

Added state increase: There is also a three percent state pay increase effective on June 2, 2022, which will raise the new starting salary at BRRC to \$42,140.

Instituted longevity bonuses: DJJ has added retention incentives for staff who meet qualifying criteria in the form of bonuses based on their agency service years. For example, the bonus amount is \$2,500 for zero to five years of service, \$3,000 for six to ten years, and \$4,000 for 11 and more years. These bonuses will pay out in two increments, each June and December.

Added referral bonuses: DJJ also added "referral bonuses" in November 2021 for staff who referred applicants to DJJ and were hired by the agency as JCOs of \$5,000. Effective July 1, 2022, this recently decreased to \$1,000, but it remains an incentive to refer staff to DJJ.

Contracted for security staff: DJJ has spent well over one million dollars statewide to add contracted security staff through Allied Universal Services. These contracted staff do not work directly with or around youth but are posted in the BRRC control rooms and front gates to manage gates, doors, and other security-related processes. This allows BRRC staff to be on pods with youth with Allied staff working in the control room.

Focused on HR: The agency hired a new Director of HR who has a tremendous amount of experience and leadership and is making progress in coaching and training staff and improving processes. Improvements in processes will yield more staff and faster hiring. There has been an increase in DJJ's visibility among colleges and universities by engaging students from the classroom rather than just at career fairs. This early approach allows students to learn more about DJJ's vision and mission. Recent graduates have expressed interest in and applied to

various career opportunities the agency offers. New relationships with community organizations have uncovered pipelines to attract the next generation of candidates to the agency. To target all professions, HR will host various career-specific hiring events to attract candidates who fit with our agency. DJJ has also just hired a Recruitment Director for more robust recruiting efforts.

Hired a recruitment firm: DJJ is currently consulting with a recruitment and retention firm, Warren Averett, which specializes in corrections-related recruitment. The agency initiated a six-month contract that was recently extended for another nine months, to target the kind of staff we want to work within our facilities. This includes psychological profiles of staff by type of personality and values, geographical location, and fit for work with our youth. Their role is to increase the number of candidates and attract them to work at DJJ. In addition, the firm launched a marketing campaign, created a landing page that allows DJJ to quickly scan and screen applicants, and worked collaboratively with us to screen candidates, get further information, and move through the hiring process. There is also a dashboard that allows DJJ to see how their marketing efforts are performing, and it is updated weekly. The new contract with Warren Averett will also include a retention analysis to include why staff leave DJJ, comprehensive exit interviews, and why staff stay after beginning work with us to analyze what is working. Staffing remains a critical challenge for BRRC.

Recognized the employee value proposition: State and DJJ careers offer a variety of valuable benefits. DJJ is considering a "benefits fair" where we can advertise all the benefits staff receive. DJJ is also soliciting for an Employee Assistance Program (EAP) that will be comprehensive, to include grief/loss counseling, substance abuse (self or family), divorce/separation issues, childcare issues, elder care issues, adoption resources, fit for duty referrals, and will be targeted in every way toward taking care of the whole employee. A short-term procurement for this service should be signed in November 2022 and a full solicitation for a more permanent solution is in process. DJJ sees an ongoing EAP program as being a vital part of the agency.

Made other efforts: DJJ has a lower total youth population from years past and from the time of the DOJ investigation. For example, our daily population on August 10, 2022, was 41 youth which has been the stable BRRC population number for nearly all of 2022. DJJ has worked further at assessing youth who can be stepped down to less restrictive placements, working on the detention side at JDC on the Juvenile Detention Alternatives Initiatives (JDAI) to keep overall front-end numbers down, working with the Department of Mental Health (DMH) to send youth to more appropriate mental health placements, and looking at out of state placements for appropriate youth if that option is available. Currently it is not. However, this low population number is likely not sustainable, and we anticipate BRRC's population to increase over the next six to nine months as more youth currently housed at the evaluation centers who are committed for placement at BRRC begin to be transferred in.

Currently, at BRRC, we do not consistently meet the staff-to-youth 1:8 waking hours ratio on all pods on all shifts. The agency leadership team has been working on brainstorming what actions leadership can take to improve BRRC staff retention. We have also posted for a new FA and recently hired a second AFA. Some of the areas that will be planned and worked on over the next year and beyond are:

- Providing consistent breaks for staff with rare exceptions.

- Implementing Employee of the Month.
- Acknowledging employees for outstanding acts of service and ensuring documentation is placed in their personnel file.
- Implementing learning journals for new staff as part of a field training program.
- Pairing new staff with capable, experienced staff.
- Empowering staff to resolve situations at the lowest possible rank.
- Emphasizing chain of command to reinforce order.
- Providing a safe environment for staff to ask questions and express themselves.
- Taking staff concerns seriously and acting on them when appropriate.
- Providing staff support to carry out job tasks.
- Enforcing that only one staff per shift is permitted to take leave at a time to provide more coverage and overall fairness when taking leave.
- Planning employee gatherings and incentives to boost morale outside of the normal employee appreciation time.
- Introducing program concepts from facility program staff during shift briefings.
- Ensuring that facility leadership attends shift briefings at least once a week.
- Empowering shift supervisors with team-building exercises and enhanced supervisory training.
- Seeking continuous feedback from shift supervisors regarding the climate of their shift.
- Implementing cross-training between operations and program staff.
- Engaging in bi-weekly meetings with senior programs and operations leadership.
- Attending quarterly meetings with program staff to offer input and stay informed.
- Enforcing the Back-to-Basics campaign, a process for ensuring effective youth supervision and safety through schedules, structure, searches and adherence to policy.
- Consistently holding youth accountable for their actions to deter future behavior issues.
- Ensuring promotions are fair and warranted and promoting staff who are deserving.
- Consolidating youth in pods where possible to improve supervision rather than dispersing small numbers of youth into multiple pods.
- Ensuring there is always security-trained staff in coverage.
- Ensuring up-to-date, mandatory and practical skill-building trainings.
- Looking into eight-hour shifts.
- Changing schedules to ensure coverage and fairness.
- Coaching staff toward improvement, disciplining when necessary, and ensuring positive feedback for great work or attendance is a part of every day.

Physical Plant

33. *Within three months of the effective date of this Agreement, DJJ will identify areas within BRRC where there is currently no video surveillance, and where incidents have occurred in the last year, or are likely to occur.*

34. Within five months of the effective date of this Agreement, DJJ will propose to the United States and the Subject Matter Expert a timeline for adding surveillance tools to enable: (1) effective supervision of areas without video surveillance; and (2) effective investigations of incidents occurring in areas without video surveillance. When developing this timeline, DJJ will prioritize blind spots where incidents have occurred in the last year.

35. The United States and the Subject Matter Expert will review the proposed timeline, and proposed placement of surveillance tools, and propose any revisions necessary within one month of receiving the proposal. The final timeline is subject to approval by the United States.

36. Once approved by the US, DJJ will add surveillance according to the approved timeline.

The camera surveillance operators documented the blind spots at BRRC in 2020. In addition, maps of particular spaces at BRRC were part of the initial workgroups to request more cameras, and particular locations were submitted. Originally, the plan was to add cameras in particular areas, as contemplated by the original language in the settlement agreement. With new leadership, that plan changed, and it was decided to outfit the entire facility with a state-of-the-art camera system. Improvements to the camera system have led to necessary improvements in our network and information security.

The project was planned in two phases with 800 cameras being added in total. Phase I is the bulk of all cameras at BRRC (715 cameras) and this was completed on June 30, 2022. These included the necessary switches to ensure the cameras functioned and recorded. Phase II includes some discrete areas and additions (to social worker offices, for example) that are in process, with switches on order that are delayed for the remaining 85 cameras. The current status is:

Active cameras -	715
Cameras to install -	0
<u>Cameras awaiting switches -</u>	<u>85</u>
Total cameras installed -	800

The estimated breakdown of the project costs for installing surveillance cameras at BRRC is approximately \$3,811,900.

DJJ submitted the documentation to meet both deadlines of this provision on July 13, 2022. We will continue to install phase II of the camera project's cameras on schedule and will update DOJ and the SME as that is accomplished upon their request. We recently added cameras in Laurel's A, B and C wings in September due to a request from the SME and DOJ.

37. DJJ will retain all video surveillance for a sufficient period to ensure it is available for investigations, regular oversight, and quality assurance reviews.

DJJ updated its investigations and video surveillance policies and procedures to indicate that investigative videos have to be retained for seven years and that videos of uses of force, youth-on-youth assaults, and allegations of inappropriate use of isolation are bookmarked and saved. The IG's office will now ensure bookmarked video slated for investigation is exported to a SharePoint site and placed on a disc for backup.

All other regularly occurring videos will be retained for at least thirty days on DJJs servers, with likely storage days at 30 to 45 days. DJJ's Information Technology (IT) Department Supervisor can verify compliance with this requirement.

The Deputy Director, Associate Deputy over BRRC, the IG's office, FA, and the AFA are able to view camera footage at any time and bookmark it for saving if necessary.

Rehabilitative Programming

38. DJJ will provide adequate, structured rehabilitative programming, from the end of the school day until youth go to bed and on weekends, to reduce the likelihood of youth-on-youth violence.

39. Rehabilitative programming will include an appropriate mix of physical, recreational, and leisure activities. The programming will be designed to support positive behavior, engage youth in constructive physical activity, address general health and mental health needs, and be coordinated with youth's individual behavioral and treatment plans.

Any and all requirements around rehabilitative programming begins with policy. The Scope of Activity Therapy, Recreation, and Leisure Services policy 926 is now mostly completed. This policy supports the settlement's requirements. In the coming year, there are several areas BRRC's programming staff will be working on.

The BRRC youth handbook is being revised to include up-to-date information written in youth-friendly language. We shared it with the SME, and will print copies for all current youth, and ensure copies are available for all incoming youth. We also will send a copy of the handbook to all of the youths' parents and guardians when they are admitted to BRRC to their last known address or email if known and put a Parent Resources link on the website with a link to the handbook. All of these handbook requirements have been added to our draft Admission and Orientation policy, with the goal to open an admission and orientation unit in 2023. Handbooks should be completed and printed by December 2022.

Behavior Management

40. Approach to Behavior Management: Within six months of the effective date, DJJ will retain consultants to assist in establishing a positive behavior management program and provide BRRC staff with regular on-site coaching for at least two years. In seeking out consultants, DJJ will prioritize individuals who have experience in implementing behavior management systems while reducing uses of force and lessening the unnecessary use of isolation. DJJ and the DOJ will jointly select the consultants.

DJJ hired CCLP in a joint decision between DJJ and DOJ. DJJ is considering other contract behavior management coaching and training options currently. The need at BRRC is for staff who have worked in facilities and who can connect with and bring to life the actualities of a day on the pod and manage both typical and atypical youth behavior through knowledge of our behavior management system, youth/staff dynamics, relationship building, and useful, practical methods. We have been in contact with the National Partnership for Juvenile Services (NPJS) to assess the ability to utilize consultants, similar to the work they have done in New York City's juvenile system. Our

goal was to retain these consultants by the October 13, 2022, deadline in the settlement agreement. Our ability to hire rested on the DOJ's approval process and then subsequently, state procurement rules. DOJ approved NPJS on September 29th and the contract was signed October 25th,

41. Within twelve months of the effective date, DJJ will establish positive behavior management tools to encourage compliance with facility rules by providing positive incentives, including both short- and long-term incentives. These tools shall be reviewed and approved by the Subject Matter Expert.

42. DJJ will consistently implement the established positive behavior management tools to reduce youth-on-youth violence.

43. DJJ will provide staff with de-escalation strategies and a graduated array of responses and sanctions, other than use of physical force or isolation, to employ when positive behavior management tools are unsuccessful.

DJJ has recently hired a new and experienced Deputy Director of Programs and Services who will spearhead this effort once he has assessed our current system along with NPJS. He began his work on July 25, 2022. He has worked nationally in juvenile systems in Washington, Texas, Illinois, and Washington DC. We anticipate this behavior management area to be the only field where BRRC may be challenged to meet the proscribed timeline; we must assess, revise, and roll out behavior management policies and processes in a planned and intentional way and with experienced coaching and support.

96. Within 18 months, and annually thereafter, all security staff and teaching staff will receive competency-based training in non-physical, verbal interventions to de-escalate potential aggression from youth. This training will include conflict management, crisis intervention, and appropriate communication with youth.

The SCM program contains training on non-physical, verbal interventions to de-escalate potential aggression from youth, conflict management, crisis intervention, and appropriate communication with youth. See the detailed information on SCM, as well as professional boundaries training which contains further information on appropriate communication with youth, in the [Training](#) section. The SCM training is slated to be completed for all staff by December 2022 and will be an annual requirement thereafter.

44. DJJ and the behavior management consultants will identify DJJ staff members who are consistently able to successfully de-escalate youth conflicts and implement appropriate discipline. These staff members will serve as on-site coaches for colleagues and mentors on the use of behavior management.

In light of DJJ's decision to contract with behavior management consultants in the near future, this provision was discussed with the Deputy Director of Security and Operations, the Associate Deputy, and the FA. A list of staff who are consistently able to de-escalate youth conflicts was created by BRRC leadership in September 2022. We will also ask for our behavior management consultants' opinions once they have assessed our staff. At this time, we are unsure how we can implement the requirement they are on-site coaches, as staffing challenges do not allow them to step out of current duties to provide extra coaching to other staff. We will update the SME regularly as we review our progress and when we can meet the intent of this provision.

Use of Force

45. *Within nine months of the effective date, DJJ, with the help of consultants, will revise its policies and procedures governing use of force and restraints, and provide the revised policies and procedures to the Subject Matter Expert and the United States for approval. The United States and the Subject Matter Expert will review the proposed policies and procedures and propose any revisions necessary within one month of receiving the proposal.*

46. *Within 18 months of the effective date, DJJ will implement the revised use of force policies and procedures.*

DJJ hired the CCLP in a joint decision between DJJ and DOJ on February 26, 2021. Policy revisions began in February 2022. DJJ moved away from Handle with Care and to SCM as the de-escalation and restraint training for BRRC's JCOs, based on the recommendation from CCLP. The draft use of physical force policy and mechanical restraints policy revisions are mostly complete.

47. *Staff will limit uses of force or restraints to exceptional situations where a youth is currently physically violent and poses an immediate danger to self or others.*

48. *Prior to using force or restraints, staff will make reasonable efforts to attempt and to exhaust a graduated set of interventions that avoid or minimize the use of force.*

49. *In situations where uses of force or restraints are necessary, staff will use force for the minimum amount of time necessary to stabilize the situation. As soon as the youth regains self-control and the immediate situation is safe for the youth and others, staff will temper their use of force and stop using restraints with respect to the youth involved.*

50. *Staff will not use force or restraints as punishment or in retaliation for disobedience or the youth's failure to follow a verbal command.*

51. *Only staff specifically trained in the application of force are permitted to use such techniques and trained staff may only use techniques approved by policy and consistent with training.*

52. *DJJ will ensure that Staff promptly document and report all uses of force and restraints, to include:*

- i. A description of the youth action that created a serious and immediate danger to self or others necessitating the use of force or restraint;*
- ii. A description of verbal directives and graduated interventions that were attempted to avoid or minimize the use of force or restraints; and*
- iii. The type of force or restraint used, including naming the specific techniques on which officers are trained, and for how long it was used.*

DJJ is working to ensure all JCOs and their supervisors are trained in SCM by December 2022 and annually thereafter. In addition, there have been recent discussions about incorporating a report writing requirement into SCM to ensure staff understands what they need to document in a use of force incident. We are reasonably certain we can create this training and ensure it is delivered to all staff within 12 to 18 months or by the end of 2023. We also reached out to our IT department to see

if they may be able to add prompts to the event report to assist staff in delivering a complete report. This appears to be possible based on initial conversations in July 2022.

A significant part of changing the use of force within any facility is to impact the culture of the staff and ensure they not only have the tools to verbally de-escalate and use other options but understand why this is crucial and a better way to address youth behavior when possible. The behavior management training and coaching through NPJS will support this effort.

We are considering having a Rapid Response Team to rely on for extra assistance. If we convert open positions into this type of rapid response team, these staff can respond to calls for assistance and have a deterrent effect within BRRC. These staff would not use O.C. spray but would receive specialized training and must pass fitness tests. With improvements in staffing levels, youth behavior, and facility processes, we would like to phase out O.C. spray and plan for a Rapid Response Team within 24 months or by August 2024. This plan would be dependent on staffing levels.

53. After an instance of use of force or restraint, DJJ will ensure that youth are evaluated promptly by a qualified medical professional or transported to a medical emergency facility promptly, unless the youth refuses a medical evaluation. Except in an exceptional circumstance, the youth should be transported to the qualified medical professional by a staff member who was not involved in the use of force or restraint.

54. The qualified medical professional will examine and question the youth involved in the use of force or restraint outside the hearing of other staff or youth. If, in the course of the youth's examination, a qualified medical professional suspects the inappropriate use of force or restraints, the qualified medical professional will immediately take all appropriate steps to document the matter in the youth's medical record and complete an incident report.

55. If a youth refuses a medical evaluation immediately after the use of force or restraint, staff will document the refusal and report it to the qualified medical professional. Within 12 hours of the use of force or restraint, the qualified medical professional will contact the youth to offer to conduct an evaluation. If the youth consents, or if injuries are visible without conducting an exam, the qualified medical professional will document any injuries. If the youth again refuses and no injuries are visible, the qualified medical professional will document the youth's refusal and any reasons the youth provides for the refusal.

This provision's requirements were added to the draft Youth Refusal of Medical Care policy 604 in July 2022. In addition, they will be added to the draft Use of Physical Force policy 315.

On June 7, 2022, the Director of Settlement Compliance met with the nurses at BRRC and around the state to discuss this requirement, the changes in the refusal policy, and the importance of having conversations with youth outside the hearing of other staff and youth. We problem solved around ways to ensure all would be accomplished, and we spent time on the importance of putting the youth's exact statements to the nurse in their notes under "subjective" when examining youth (specifically the Subjective, Objective, Assessment, and Plan or "SOAP" notes created by nursing staff).

Investigations

56. Within nine months of the effective date, DJJ, with assistance from the Subject Matter Expert, will draft modifications to policies, procedures, and practices concerning investigations of physical harm to youth from other youth, excessive or unnecessary use of physical force, or improper use of isolation.

57. Within 18 months of the effective date, DJJ will implement the revised investigation policies and procedures.

58. DJJ will ensure that all uses of force or restraint, allegations of physical harm to youth from other youth, or the improper use of isolation receive an initial review, including review of the incident report, use of force report, and video, if applicable. DJJ will track every use of force or restraint, allegation of youth-on-youth harm, or the improper use of isolation incident that receives an initial review, the outcome of that review, and the basis for that determination.

59. All incidents where: (1) a youth or someone on the youth's behalf files a grievance or an informal complaint of youth-on-youth physical harm from fights or assaults, uses of force or restraint, or the improper use of isolation; or (2) where the initial review described above indicates conduct may be in violation of criminal law (excluding Assault and Battery 3rd degree involving a youth perpetrator) or agency policy will be fully investigated by trained investigators with no involvement or personal interest in the underlying event. A full investigation conducted by a DJJ investigator will be completed within ten business days of the investigator receiving the allegation for investigation.

DJJ's investigations policies began a review and revision process in February 2022. The policy was completed and sent for formatting and review in August 2022, resent for further editing in September, and then will be sent to the SME for comments and feedback. The policy revisions include the DOJ agreement requirements. At the direction of the IG, the investigations group has begun to make the required changes in its initial review and investigation of incidents to meet the policy changes required of them. It is on track to ensure the implementation of policy on time.

The youth grievance policy began revision in May 2022. Though not required by the settlement, the youth grievance process is undergoing a full review between May and August 2022 through the partnership of the QA and grievance staff to ensure policy and procedures meet DJJ's needs, and youth allegations and concerns are met with a reliable and prompt resolution. DJJ will make any accepted recommendations for changes to the grievance process by October 2022, grievance staff will be trained, and materials and processes will be implemented by November 2022. The new functioning of the grievance office was updated on DJJ's website to include parent/guardian contact information. The grievance office reports to the IG's office. Grievances concerning uses of force or restraint, allegations of physical harm to youth from other youth, or the improper use of isolation are immediately sent to the IG investigations group for investigation. They are no longer handled or looked into by grievance staff.

62. DJJ will ensure that a video of the incident, if one exists, is requested within three days of receiving the allegation.

Effective August 2022, once the investigator receives the allegation, they will bookmark the video within three calendar days. Bookmarking saves the video, and bookmarks are good for 30 to 45

days. The investigator has 30 to 45 days to put the saved video on a disc and save it to the SharePoint site. Our priority is to ensure video clips are secure and saved.

An initial review log is being created to include the event/incident report number, the type of incident, date of the incident, the initial review date, who reviewed the incident, the results of the initial review, and why the investigator came to their conclusion. This will be in place by August 2022.

All youth or third-party allegations of youth-on-youth harm, improper use of isolation, and staff use of force are assigned for investigation. They are also noted as such in the Event Reporting System (ERS) as being assigned for investigation.

59. A full investigation conducted by a DJJ investigator will be completed within ten business days of the investigator receiving the allegation for investigation. The policies may permit an extension of no more than ten additional business days to complete an investigation where the investigator documents the need for such an extension to complete the steps below.

This is currently occurring with extensions provided when requests are made. The IGs office will track extension requests and reasons and work during the settlement timeframe to decrease that number.

59. A full investigation must include, but may not be limited to:

- i. Interviews with the alleged victim, the alleged perpetrator, all officers present during the incident, and any other witnesses;*
- ii. Review of any documentation that exists, including the incident report, youth's grievance, if applicable, use of force report, and witness statements;*
- iii. Review of a video of the incident, if one exists; and,*
- iv. A written report documenting the investigation and the conclusion(s).*

63. DJJ will retain all investigation documents, including video and interview notes, for at least one year.

64. If the incident requires a full investigation as described in paragraph 59 (of the settlement agreement), the investigation must be completed even where no video exists of the incident.

66. In cases where a youth withdraws an allegation, states a desire not to prosecute a criminal matter, declines to be interviewed about an allegation, or refuses to write a statement, this will not be used as a reason to terminate an investigation. The investigation will also include an effort to determine the reasons for the withdrawal or refusal.

This is currently the expectation and is occurring. Further training for investigators will be provided in August 2022, described further below.

60. If the initial review of a use of force or restraint does not result in a full investigation, the investigator will send all documentation, including the incident report, use of force report, and video, if available, to the impacted Deputy Director(s). The impacted Deputy Director(s) will ensure that the employee's Senior Manager reviews the documentation and video, if available, to evaluate proper techniques and de-escalation efforts. Upon this review, the Senior Manager will provide staff feedback as appropriate to reinforce or correct staff.

This process has been put into place. The Deputy Director of Security and Operations indicates he has begun receiving all use of force reports from the IG's office. He is receiving reports with a full investigation (criminal or policy violation probability) and reports where officers likely acted correctly to send down to the Associate Deputy or FA for review. The Deputy Director also receives a copy of any full investigation into uses of force, whether substantiated, unsubstantiated, or unfounded.

61. After an allegation as indicated above is made, DJJ will make a prompt determination about the level of permissible contact between the youth and the alleged perpetrator during the investigation period, in light of the nature of the allegation and the safety of all youth.

The BRRC FA and his team will be responsible for ensuring the separation of staff and youth in these circumstances and provide a copy of any no-contact or separation orders for staff to the IGs office. The FA will work collaboratively with the IGs office to stay informed of the status of the investigation to ensure staff separation orders can lapse or remain in effect.

65. DJJ will take prompt and appropriate corrective and disciplinary measures in response to a finding of staff misconduct arising from the inappropriate use of isolation, the excessive or unnecessary use of physical force, or a failure to protect youth from physical harm by other youth.

DJJ is committed over the coming year to working facility management, with support from HR and Legal, to ensure this occurs. DJJ recently changed our Employee Discipline policy to streamline the discipline process.

100. Within 18 months of the effective date, and annually thereafter, DJJ will train all investigations staff, including supervisory investigative staff, in the prompt, thorough, and independent investigation of allegations of youth on youth physical harm, inappropriate use of force, and inappropriate use of isolation. DJJ will train the facility administrator and other facility security supervisory staff in the investigation process and the importance of thorough documentation of incidents and video retention.

In June 2022, DJJ contacted a former chief of investigations, an out-of-state expert in investigations training, to schedule all investigators for a virtual training covering not only what is required in the settlement but also the following:

- Criminal and administrative investigations overview
- Seven steps for just cause
- Components of a successful investigation
- Conducting investigations in confinement settings
 - Investigating allegations of unauthorized isolation

- Investigating allegations of excessive use of force and restraint
- Investigating allegations of youth-on-youth physical harm
- Evidence collection and the investigative process
- Use of Miranda and Garrity
- Understanding trauma
- Interviewing youth
 - Trauma-informed interviewing techniques
 - Interview group practice
- Interviewing staff
- Agency culture and its contribution to allegations and cooperation with investigations
- Report writing

The training agenda, signed acknowledgment of staff attendance, recorded virtual training, and associated PowerPoints will be available upon SME request. In addition to this training, all of the IG's investigators, who are Class I officers, are signed up for detective school as a part of the South Carolina Criminal Justice Academy. Currently, there is a waitlist. However, two officers were able to begin the course. This 40-hour course is designed for staff assigned to investigative units or who primarily perform investigative functions. Course topics include case management, case prioritizing, information sources, case preparation, courtroom procedure, rules of evidence, open-source investigations, interview and interrogation techniques, property crimes, and crime scene management. Other topics include proper techniques to develop probable cause for writing search and arrest warrants using the appropriate language and structure. This course includes practical applications for warrant writing, interviewing, crime scene processing, case preparation, and courtroom testimony.

The IG is committed to regular training of all investigators to build skills and knowledge in contemporary investigative practices.

Isolation

67. Use of Isolation: Within nine months of the effective date, DJJ, with assistance of consultants, will revise its isolation policies and procedures to be consistent with the principles set forth in paragraphs 68–94 (of the settlement agreement). DJJ will provide the revised policies and procedures to the United States and the Subject Matter Expert for approval. The United States and the Subject Matter Expert will review the proposed policies and procedures and propose any revisions necessary within one month of receiving the proposal.

68. Within 18 months of the effective date, DJJ will implement its revised isolation policies and procedures.

DJJ hired the CCLP in a joint decision between DJJ and DOJ. Revisions to the isolation policy began in February 2022. All agreement provision requirements are being added to our draft Isolation of Youth policy 323 and draft Youth Check Log form and all will be ready for review by DJJ staff and then review by the SME and DOJ.

59. A full investigation must include, but may not be limited to:

i. Interviews with the alleged victim, the alleged perpetrator, all officers present during the incident, and any other witnesses;

ii. Review of any documentation that exists, including the incident report, youth's grievance, if applicable, use of force report, and witness statements;

iii. Review of a video of the incident, if one exists; and,

iv. A written report documenting the investigation and the conclusion(s).

71. Prior to using isolation, staff will utilize less restrictive techniques, such as talking with the youth to de-escalate the situation, removing the youth from other youths with whom he is in conflict, and placing the youth in another housing unit if safe to do so. Only after less restrictive techniques have failed may the facility use isolation.

To address these provisions and isolation use generally, BRRC staff must see how less restrictive methods of managing behavior can work. For many years, the facility has used many ineffective means to manage youth misconduct. However, a great number of our staff have not seen a different system to be able to imagine how an alternative vision might work.

This month, DJJ used funds from its 'reducing isolation' grant to send 11 staff to a Florida juvenile facility that does not use isolation but serves a similar youth population. This August 3-5, 2022, trip included a full day of meetings, tours, observations, and conversations with staff and leadership at this facility. The fenced and locked facility in the FL DJJ system serves a similar size population and a similar type of male population (those with both criminogenic, behavioral, and mental health needs). It uses positive behavior management techniques, rewards, and structure that appear to be effective in managing youth without placing them in isolation. This trip was also a good team-building opportunity for our staff across disciplines at BRRC; all who attended reported on what they learned at a leadership team meeting on August 8th. General impressions from those in attendance from our team were that eyes were opened to new ways to work with youth that they had never experienced before, and all remarked on how refreshed they were to see a different system and learn different options and experience such positive morale. Policy from that facility will inform DJJ's isolation policy draft. The trip agenda and remarks of our staff are available upon SME request.

69. Youth will only be isolated when the youth poses a serious and immediate danger to self or others and staff has made reasonable efforts to attempt and exhaust de-escalation strategies.

70. Once DJJ revises its policies and procedures in accord with the schedule set out in this section, staff will not use isolation for discipline, punishment, retaliation, protective custody, suicide intervention, as a temporary living unit for youth who are awaiting transfer to other facilities, or any reason other than as a response to behavior that poses a serious and immediate danger to self or others.

72. Whenever a youth is isolated, the staff will immediately notify the Facility Administrator or the Assistant Facility Administrator.

73. DJJ will ensure that documentation of isolation identifies with specificity what youth action created a serious and immediate danger to self or others necessitating the use of isolation, and what less restrictive techniques an officer used prior to using isolation.

74. **Duration of Isolation:** Youth will be in isolation only for the time necessary for the youth to regain self-control such that they no longer pose a serious and immediate danger. As soon as the youth's behavior ceases to pose a serious and immediate danger to self or others, or once the multidisciplinary team designates an alternative living unit/placement for the youth, whichever is sooner, staff will promptly return the youth to the general population or other appropriate living unit/placement.

75. During the time that a youth is in isolation, staff will provide intervention and observation. The goal of the intervention is to de-escalate the youth's behavior so that they can rejoin the general population as soon as possible.

76. Youth will not remain in isolation for longer than four hours, except when approved by security leadership in the chain of command from Assistant Facility Administrator to Deputy Director.

77. Within the first 24 hours of isolation, and every day thereafter, a qualified mental health professional must examine the youth in-person and document whether:

- i. The youth poses a serious and immediate danger to self or others;
- ii. The continued use of isolation will be detrimental to the youth's current mental health; and
- iii. Less restrictive measures may help to eliminate the serious and immediate danger to the youth or others.

78. Prior to extending isolation beyond four hours, and every day thereafter, the Assistant Facility Administrator, Facility Administrator, or other security leadership in the chain of command up to Deputy Director must visit the youth in-person, review any completed findings of the Qualified Mental Health Professional, talk to relevant staff, and document whether:

- i. Staff used less restrictive measures prior to using isolation and the effectiveness of those measures; and
- ii. The youth poses a serious and immediate danger to self or others.

79. The conclusions from paragraphs 77–78 (of the settlement agreement) must be reported to the Deputy Director or Assistant Deputy Director (or equivalent title within the security leadership chain of command) within the first four hours, and every day thereafter, and approval must be granted to continue isolating the youth.

80. If, after reviewing the documentation, anyone in security leadership in the chain of command from Assistant Facility Administrator to Deputy Director determines that the youth is no longer a serious and immediate danger to self or others, the youth will be immediately removed from isolation and returned to the general population or other appropriate living unit/placement.

81. Multidisciplinary Team to Review Isolation Placement: *Within eighteen months of the effective date, BRRC will develop a multi-disciplinary team to review placements of youth in isolation.*

82. *The multidisciplinary team will meet within 48 hours of a youth's placement in isolation to discuss and document:*

i. Whether the youth remains a serious and immediate danger to self or others. If not, the youth will be immediately returned to the general population or other appropriate living unit/placement;

ii. What services the youth received in the general population, including education and mental health treatment;

iii. How the youth will continue to receive needed services while in isolation;

iv. An individualized plan designed to facilitate the youth's return to the general population or to an alternative location (such as alternative housing units or mental health treatment facilities);

a. The individualized plan will be created in consultation with the youth's family members, when possible; and

b. The plan will include an anticipated timeline for implementation and the youth's return to the general population.

v. If the multidisciplinary team believes that a youth may be appropriate to be transferred to a mental health treatment facility, the team will immediately refer the youth to the SMI Special Needs Coordinator for further assessment.

83. *The multidisciplinary team will continue to meet every three days while any youth is in isolation to discuss and document:*

i. Whether the youth remains a serious and immediate danger to self or others. If not, the youth will be immediately returned to the general population or other appropriate living unit/placement;

ii. Implementation of the individualized plan; and

iii. Any necessary modifications to the individualized plan the multidisciplinary team developed at its previous meeting.

84. *The youth's unit team, which includes representatives from the security and mental health departments, will meet monthly to review youth who have been isolated two or more times in the past month or for one stay of more than four hours in the past month. The team will discuss and document:*

i. Whether the youth's mental health and behavioral needs can be met in the facility and, if not, whether a recommendation to the SMI Special Needs Coordinator is appropriate; and

ii. Interventions that have been attempted to improve the youth's behavior, the success of those measures, and any additional or alternative interventions available to address the youth's needs.

These provisions' requirements will be added to the new isolation policy draft as well as our new protective custody policy and the suicide watch policy, as indicated. All of these new procedures that will be put into place when the policy is finalized will be pre-reviewed in a team meeting with BRRC leadership and supervisors, mental health supervisors, education supervisors, and program staff supervisors, led by the Director of Settlement Compliance and the Deputy Director of Security and Operations by October 2022, to include a PowerPoint presentation. They will be instructed that BRRC's isolation procedure changes are anticipated to begin January 2023.

Some of the new isolation processes will occur in stages between January and October 2023 to give staff time to become accustomed to the new requirements, notifications, multi-disciplinary team, and process revisions. This shift may lead to a great deal of uncertainty for staff, and reluctance must be addressed through regular communication and constant information. The BRRC leadership team is responsible for implementation and will have the constant guidance of settlement compliance staff when needed.

The Deputy Director of Security and Operations issued a memo dated 10/13/22 making clear that no youth on suicide watch may be placed in isolation. We have also begun work with our behavior management consultants to craft a plan moving forward with dates, deadlines, plans, assigned staff and measures to address youth behavior in such a way as we can begin to lessen not only the frequency but duration of isolation use.

87. Conditions and Services While in Isolation: Youth in isolation will receive access to sunlight, working showers and bathrooms, mattresses, and food that is the same quality and quantity as offered to the general population.

Most of these requirements are already in place, however the windows in Laurel were found by the monitoring team to be obscured and scratched or covered in such a way that sunlight was not able to get through. New Lexan glass was ordered, and window replacement began in October and should be fully completed by December 2022. Some youth also were not receiving regular outdoor recreation but were at times participating in in-room recreation which meant they did not always go outside in the recreation yard. This was noted to be due to staff shortages and the ability to have enough staff to take youth outside. That has changed. Recent renovations to the Laurel building included improvements in the shower areas. All youth have access to bathrooms, a mattress and the same meals as the rest of the youth.

88. Within the first school day after a youth is placed in isolation, DJJ will provide meaningful education services delivered by a teacher certified by the State or an associate teacher working under the supervision of a teacher certified by the State. If the youth has not regained enough self-control to receive in-person educational services, representatives from the multidisciplinary team should meet to discuss temporary alternatives to in-person education.

This provision's requirement was added to our draft Isolation of Youth policy 323 and has been reviewed by our school principal and school superintendent. The BRRC school commits to providing a certified teacher or associate teacher working under a certified teacher to deliver services to youth in isolation.

We are hopeful as isolation processes take hold that, few, if any, youth will be in isolation beginning the next school day. Education staff feels youth learn best when at school, and DJJ agrees.

85. Development of Appropriate Space for Isolation: Within 6 months of the effective date, DJJ will propose to the United States and the Subject Matter Expert a timeline to cease using the Laurel Building for youth in isolation and a plan to utilize alternative, safe spaces for isolating youth whose behavior poses a serious and immediate danger to self or others.

86. The United States and the Subject Matter Expert will review the proposed timeline and plan and propose any revisions necessary within one month of receiving the proposal. The final timeline is subject to approval by the United States.

Due to our no-door pod design, there have not been alternative safe spaces for youth, and we have used the Laurel building, which has doors.

As we work to revise our isolation policies, we anticipate fewer youth will be in isolation, and when they are, it will be for short periods of time. DJJ anticipates we will continue to use Laurel for isolation through 2023.

Recent renovations to make Laurel more secure and safe while it is still in use were completed in July 2022. This work consisted of new doors, lock improvements, fresh paint with more therapeutic colors, a new security ceiling, polished concrete floors, and renovated showers. A few more projects are being completed in Laurel to make it a better environment while we are still using it, such as replacing the solid core wood doors with steel doors and adding lights and new ductwork. As indicated before, we are adding new windows.

Laurel Timeline

DJJ recognizes that the open pod layout of our youth living spaces is not conducive to a safe environment in a secure facility. It allows for too much free movement for youth at night and does not provide space for an agitated or violent youth to be temporarily placed in his room on the pod, necessitating that youth be transported to the campus building with doors and locks (Laurel). Seeing this, DJJ looked at how we could add doors to each youth room. We were able to use carryforward funds to begin the process of bidding out and contracting to add doors to the four boys' unit pod rooms throughout campus. The use of Laurel for future isolation stays will only be when necessary and with authorization while we add these locking doors to the youth rooms ("the doors project"); once the doors are in place, youth can take a timeout or be isolated without using Laurel's cell spaces.

The doors project was approved, plans were drawn, and the budget was allocated. On June 24, 2022, there was a walk-through with five contractors to review the pod buildings and their designs and to begin to submit bids for the completion of the doors in all four boys' pods. Bids were due in July 2022. The bid process was not productive and though we had hoped to begin work in September 2022, DJJ worked with the legislative liaisons and procurement to update this project and put it out for re-bid as quickly as possible. We completed requirements for the State Engineers Office, submitted supporting documentation to the Executive Budget Office and after their approval and movement of our budget, we proceeded with formalizing the contract with the contractor, but the contractor. The process is going as planned and we anticipated and began construction in October 2022.

The first buildings to be outfitted will be Cypress and Poplar, then Holly and Maple. Generally, all of the buildings' pods will each have two wet rooms with plumbing and water and toilets for any necessary isolation usage and eight dry rooms to use as youth rooms. The only variation from this is that Holly A pod is slated to have all wet rooms, with Holly B and C pods to have the typical combination as described above for the other pods.

Each unit building will take approximately three to four months to complete. Therefore, it is anticipated that the entire project will take between 13 to 15 months once begun. However, while the final buildings are being completed, the first buildings can be used for youth residence and new isolation procedures, and locations for those youth shifted toward the pod and away from Laurel for any necessary isolation.

We anticipate completion of the doors' additions in Poplar and Cypress at the end of May or early June 2023, in August 2023 for Maple, and in early December 2023 for Holly. As has been the case nationally, any construction currently can be hampered by supply chain issues and delays. We will make our best efforts to ensure the schedule noted here is adhered to. However, if there are delays that are unforeseen or out of agency control due to the supply chain crisis, we will update the timeline accordingly and keep the SME and DOJ apprised of any changes.

We anticipate that we can realistically cease using Laurel entirely for isolation by February 2024, and likely earlier.

Vulnerable Youth

89. Housing Vulnerable Youth: Within nine months of the effective date, DJJ will review and revise its housing classification policies for youth who are identified as vulnerable to victimization to ensure youths' reasonable safety.

90. DJJ will revise its admissions screening protocols to identify youth who are vulnerable to victimization by other youth in the facility.

The classification policies were reviewed for revision in March 2022 with DJJ's classification staff and input from the PREA Coordinator and CCLP. This review included BRRRC's intake youth screenings, classification scoring, reclassification procedures, and housing plans for BRRRC.

The admission and orientation policy final draft is due for completion in December 2022.

The admission screening protocols BRRRC will use to include overall vulnerability, suicidality, and sexual abuse risk will be in the final draft form in October 2022. This includes a new PREA risk screening tool that is being developed that will more accurately identify vulnerable youth. The prior screening tool had design flaws that may not have fully ensured BRRRC was aware of its sexually vulnerable youth. Though PREA and sexual safety was not a matter identified by the DOJ as an issue at BRRRC, the agency is ensuring when it discovers an issue, it is resolved.

A draft of the main classification policy and process, which will be formed from several current policies, was due for completion in October 2022. However, the edits received did not address our needs and did not streamline or simplify what is now unduly complicated. This area at BRRRC is one that is challenging due to the many complex current policies and processes and the lack of a true housing plan and risk calculation process. A housing plan was created in October that we will use to

drive our risk and housing placement policy. It is an area where we will be requesting technical assistance from the SME and her team.

DJJ anticipates that after the SME provides input and the SME and DOJ review, we can meet the required deadline of February 13, 2023, for final versions of all policies and screenings, but this is one area where we feel we may still have work to do. The plan is for staff training to be developed based on the policy's final version(s). The classification supervisor would accomplish the training for classification staff and in concert with security and operations for intake staff. Some of this training will be joint between departments. The goal would be to have all staff trained in their responsibilities and policies implemented by April 2023.

91. Youth who are not screened as vulnerable to victimization upon admission to BRRRC, but later become vulnerable to violence from other youth will be considered for placement in specialized housing. Prior to placing a youth under this provision, the facility will consider other measures and options for ensuring safety.

DJJ began work on a PC policy draft in April 2022. It was reviewed by CCLP and will be in final draft form and will be available for SME and DOJ review. Assuming approval, the policy can be implemented by February 2023.

92. Youth in specialized housing will have access to all services, including education, recreation, and mental health services to the same extent as youth in the general population.

This requirement was included in the PC policy revisions. Other than staffing, there are few anticipated barriers to these services being provided, with education being the only area we may have to work on further as a PC pod becomes identified for use. The classification department will ensure that PC designations occur as noted in policy by February 2023.

Youth on Suicide Watch

93. The facility will ensure that youth who are suicidal are not placed in isolation.

This requirement has been added to the Isolation of Youth policy 323 revisions draft. The Deputy Director also issued a memo in October 2022 to update security and clinical staff and as a formal notification of this procedural change to the criteria for suicidal youth housing and the disallowance of isolation for these youth. Per a review of youth in isolation in November 2022, no youth were noted to have been in isolation due to being on suicide watch.

94. Within six months of the effective date, DJJ will make reasonable efforts to amend their Agreement with the Department of Mental Health for the Identification and Transfer of DJJ Committed Juveniles Who Have a Serious Mental Illness to ensure that:

- i. The Department of Mental Health identifies placements for youth with serious mental illness to ensure that youth with serious mental illness are transferred to DMH custody within 30 days of their identification as a youth with a serious mental illness; and*
- ii. Youth who are suicidal are promptly considered for placement out of DJJ and into DMH custody.*

DJJ requested \$20 million to build a psychiatric residential treatment facility (PRTF) for committed DJJ youth who are considered seriously mentally ill (SMI). DJJ was awarded this money for fiscal year 2023 and has already executed a memorandum of understanding (MOU) to begin the process for DMH to begin the request for proposal (RFP) process. That MOU has been included here as *Attachment A*. DJJ agrees that SMI youth are better served in a clinical setting rather than in a secure juvenile facility.

Additionally, DJJ had a separate memorandum of agreement (MOA) with DMH around placement of SMI youth. DJJ was waiting on the passing of juvenile justice reform in the spring of 2022 that would have changed the law on which the MOA was based. Nevertheless, DJJ has been making progress in placing youth by working assertively with DMH and actively case managing these youth. DJJ is still adhering to the majority of the MOA despite its expiration, assessing youth, staffing them, and following up on DMH to place them.

DJJ has been working with DMH to come to agreement on terms for the new MOA regarding SMI youth. DJJ has refused to sign a new draft MOA that limits DMH to only serving SC residents and youth up to age 18. In July 2022, DJJ's legal department began reviewing the MOA's language to ensure it included all DOJ provision requirements. Once that was completed, DJJ scheduled a meeting internally to discuss it and requested a meeting with DMH to discuss the MOA.

In addition to working with DMH to place SMI youth, DJJ has initiated a community-based program for SMI youth called Gateways that is not run by BRRC or located on the BRRC campus. This community-based residential program will serve up to 12 youthful male offenders between the ages of 12 to 21 years of age. Programming will meet or exceed all requirements for Group Care Intensive Services, as identified in the State Standards for Residential Care. Youth appropriate for this program are referred by DJJ that have been diagnosed with a serious mental illness but do not meet the criteria for a Psychiatric Residential Treatment Facility (PRTF). The clinical team will identify these young men at BRRC and the evaluation centers. They may step down while in commitment status or be on probation or parole.

DJJ's Gateways plan:

1. Facility staff will include three human services professionals who have obtained a master's degree in the behavioral sciences and experience in the provision of forensic, mental, and behavioral health services.
2. If available, a licensed psychiatrist will be provided by DJJ for diagnostic services, medication monitoring, and clinical oversight of the treatment team.
3. The curriculum and services offered will be recognized as best practice models with respect to rehabilitation by professionals as identified by the DJJ.
4. Programming will take into account the developmental level of adolescents and include both psycho-educational and cognitive-behavioral group formats.
5. Programming will include family involvement with an emphasis on family and community re-integration.
6. Youth are slated to receive a minimum of three group sessions per week, conducted by a Masters-level therapist, with no more than eight youth participating in each group session.
7. Non-clinical staff will receive training in adolescent development and behavior modification in order to play an integrated role in the program.

8. Aftercare planning will be initiated for each youth upon his arrival. Contact will be made with service providers in the youth's home county to ensure continuity of services from the program to the community.
9. Compliance with aftercare services should be strongly supported and encouraged.

Gateways program objectives:

1. Reduce recidivism;
2. Increase academic skills;
3. Address those behavioral disorders, emotional problems, or acting out behaviors that resulted in placement in the program;
4. Provide individual, group, and family counseling;
5. Prepare program participants for employment;
6. As appropriate, assist youth in finding jobs upon completion of the program;
7. Provide community service;
8. Assist in holding the youth accountable through reparation to the victim and community harmed; and
9. Provide or contract for the provision of psychiatric services and medication management above the capacity a DJJ facility is able to offer.

DJJ has identified four youth for admission (two for immediate admission upon opening, and two pending final review/admission date); one youth is from BRRRC and is scheduled to be placed on October 12. This program was also developed as a step-down for SMI youth from PRTF placement. The program is prepared to serve 12 male youth through our agency partnership with AMIKids Gateways³.

Quality Assurance

101. Within 24 months of the effective date, DJJ must develop a quality assurance system that identifies trends and corrects deficiencies with regard to safety and security and the use of isolation at BRRRC in a timely manner.

106. DJJ will develop and implement within 24 months of the effective date a Quality Improvement Committee that will:

i. Review and analyze the data collected pursuant to paragraphs 103–105;

ii. Identify trends and interventions,

iii. Make recommendations for further investigation of identified trends and for corrective action, including system changes;

iv. Monitor implementation of recommendations and corrective actions; and

³ [About \(amikids.org\)](http://amikids.org)

v. Develop systems to alert administrators to patterns of behavior or allegations that may indicate safety concerns, staff training deficiencies, or persistent policy violations.

104. Within 24 months of the effective date, DJJ must develop a quality assurance system that identifies trends and corrects deficiencies with regard to safety and security and the use of isolation at BRRC in a timely manner.

102. On a monthly basis, DJJ will collect, review, and analyze data and information sufficient to assess and identify trends in youth-on-youth physical harm, inappropriate use of force, and inappropriate use of isolation.

103. At a minimum, the data and information collected and analyzed will include:

i. The number of incidents involving youth-on-youth physical violence;

ii. The number of incidents involving youth injuries related to assaults/fights or use of force or restraints;

iii. The number of incidents involving use of force;

iv. The number of incidents involving restraints;

v. Injuries to youth related to assaults/fights or use of force or restraints, including the type of injury, the source of the injury, and the severity;

vi. The positive behavior incentives used at BRRC during the preceding month;

vii. The consequences imposed on youth for negative behaviors in the preceding month;

viii. The consequences imposed on staff for improper uses of force or restraints;

ix. The number of grievances filed alleging harm to youth from youth-on-youth physical altercations, inappropriate use of force, or inappropriate use of isolation;

x. The number of full investigations as outlined above completed within ten business days;

xi. The number of full investigations as outlined above completed in more than ten business days;

xii. The number of open investigations;

xiii. The number of youth placed in isolation;

xiv. The number of youth who remained in isolation over four hours;

xv. The number of youth who remained in isolation over three days;

xvi. The individual lengths of stay for youth placed in isolation; and

xvii. The overall average length of stay of all youth placed in isolation.

104. On a monthly basis, DJJ will review a sample of incident reports, isolation justification and continuation documents, and investigations. The review and subsequent recommendations will be documented.

105. *The Subject Matter Expert may recommend to DJJ additional information related to youth-on-youth physical altercations, use of force, or isolation that DJJ will consider for collection, review, and analysis on a regular basis.*

During the first year of the agreement, this provision will receive limited time and attention as BRRC has other earlier priorities and deadlines. See the next section of this plan on [General Plan for Successive Years](#) for more.

General Plan for Successive Years

The agency plans to continue the reform efforts as outlined in this Implementation Plan in the successive years of the agreement. As background, the SME was not put in place until July 2022, despite DOJ and DJJ executing the settlement agreement in mid-April 2022. We recognize this may impact deadlines in year one. However, DJJ's vision is for any policies reviewed in year one and into year two to be swiftly finalized once we receive SME and DOJ approval. Though exact dates would be impossible to predict based on when the SME will review documents and begin policy feedback, DJJ will expeditiously respond to requests and suggestions and move in a coordinated, methodical way to ensure all policies, trainings, and implementation efforts follow agreement timelines. We are committed to resolving all areas within the agreement in five years on schedule.

The most challenging part of meeting all of the provisions' requirements on time and in a sustainable way is our lack of staff. We cannot underscore enough that this key area will be essential to BRRC's success and is by far our most difficult area to address. This was discussed in more detail in the [Staffing](#) section of this plan.

An area many do not consider but is a legitimate concern is the amount of change encompassed within this settlement agreement. From a staff perspective, changing a policy and process, and what staff can bring to work, what their expectations are for working with youth, what behavior management system they will use that is different from what they are accustomed to, whether their schedule may be changing, how their leadership has changed, and more, can lead to unintended concern and anxiety in staff, many of whom want to do a good job but may feel overwhelmed. Well-known models of change and transition⁴ speak to this reality; whereas change can be quick ("here is your new policy"), transition is the process that people go through as they become accustomed to and internalize the impact of the new policy and expectations on them, the youth, and their daily work life. This is not a short process and can be a time of apprehension and uncertainty.

As an agency, we must be cognizant of how much we placed on the shoulders of staff in terms of new processes, people, and policies at one time. We recognize there is a lot to be done, and it all needs to be done, but we also recognize that doing too much too quickly can lead to the opposite result we are looking for and does not support the sustainability of reforms. The healthiest and most successful way to consider planning for successive years is to work hard on our solid plan for

⁴ Managing Transitions: Making the Most of Change, by William Bridges. [Bridges Transition Model - William Bridges Associates \(wmbridges.com\)](#)

this year and quarterly look at progress and results to see where we still need to make changes and adjust as necessary. We also want to ensure regular communication of our goals and progress.

To support this, DJJ created a Q&A site on our intranet for staff who have questions about the agreement and our plans. This page allows our staff to read the most common answers to questions about the five-year agreement but also ask some of their own, with answers provided by the Director of Settlement Compliance. We recognize with frequent change comes the need for more frequent communication, so we are considering expanding this page to include current plans and changes at BRRC.

As to implementation, wherever BRRC within this plan has given specific timelines (such as "by October 2022"), we will utilize our project management staff and review progress with those divisions, ensure adherence to deadlines, see that work is moving forward, and assist or support where delays occur. In addition, we will align our quarterly check-ins with our agency personnel to be just prior to the quarterly meetings with the DOJ so that progress can be shared.

At various quarterly check-in points, adding on more requirements, trainings, or different processes may occur, or it may be more reasonable to expect some changes in years two or three. From experience, if we add too much too soon or expect too much too soon, staff may reject all of it, and it may lead to good staff becoming frustrated in their jobs or deciding to leave. It can also lead to what appear to be immediate results, but these are not long-term, sustainable shifts in practice. We are committed to the sustainability of reforms by building internal capacity, bringing in outside staff and consultants, and teaching and skill-building with our current staff. Our staff are very important to us, and we want to make sure, as we make all of these changes, we are considering their ability to manage the workload and modifications to their daily life and those of the youth they serve. Skill-building and culture change takes time, and we hope to see incremental, positive shifts that we can build on over the term of this agreement.

As we recognize this, however, we also possess a zero-tolerance for youth-on-youth violence, excessive isolation of youth, or any harm to youth. Though culture change takes time, certain changes must be made immediately, and that process has already begun. Through more enforcement of policies, more robust investigations, and more active leadership, the agency is making clear its obligation to youth and staff safety and a calmer, more orderly, rehabilitative environment. This message is becoming clearer each day to those who work with youth, and as the agency improves processes, the youth will benefit from this and see the compassion and concern for them we all have as well as our belief in their brighter futures.

As is evident, DJJ is touching nearly every aspect of facility life at BRRC in order to meet the terms of the agreement. The only area we have not begun work on and do not plan to immediately work on until 2023 is the QA work. Though discussions around this continue and staffing considerations and processes are under review, we feel it would be best to work on a formal QA process and QA committee in the summer of 2023. Since a QA system and a QA committee must be initiated by April 13, 2024, there does not appear to be any obstacles to beginning this process. Until then, we are making plans to utilize our current QA staff to assist with targeted reviews of particular areas in the process of reform so that we can review how we are doing and feel more confident in the processes we are putting in place. For example, we are using these current staff to review our youth grievance

process fully. We have also discussed having them conduct quality reviews of adherence to the facility schedule and front gate search procedures. A robust and trusted QA process is crucial to our long-term success, and we look forward to this important initiative.

Depending on the improvements in staffing levels, which will be vital for us to implement all of the changes we seek to make, we have the following goals:

Year Two: April 2023- 2024	Implement the isolation policy
	Implement a multi-disciplinary team to review isolation
	Complete the doors project
	Cease use of Laurel building for isolation
	Implement the behavior management policy and have consistent on-the-ground coaching
	Review staffing levels to meet expected ratios
	Implement the use of force policy
	Plan for admission and orientation unit
	Ensure appropriate screening and classifying of vulnerable youth
	Implement the PC policy
	Create and begin training of staff on finalized policies and procedures
	Create QA policy and committee procedures
Complete any remaining camera installation	
Year Three: April 2024- 2025	Rescind Use of Chemical Force policy and use of O.C. spray
	Continue to refine policy and trainings on policies and procedures
	Implement QA policy and committee procedures
	Review changes to PSO job responsibilities and begin planning for a Rapid Response Team
	Open admission and orientation unit and begin implementation of policy
	Review progress –Goal is substantial compliance for at least half of all provisions
Year Four: April 2025- 2026	Implement changes to PSO job responsibilities and implement Rapid Response Team
	Sustain improvements and reforms and refine as necessary
	Review progress – Goal is substantial compliance on all provisions in Year Four
Year Five: April 2026- 2027	Show sustained adherence to policy and meet substantial compliance on all provisions

If there are any questions about this plan or our reform efforts, please contact the Director of Settlement Compliance, Wendy Leach, J.D., at wendyleach@djj.sc.gov.